

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

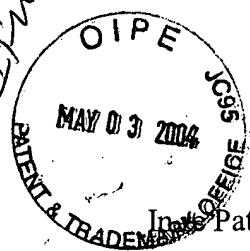
Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In the Patent Application of

Thomas RAUSCH

Date: April 29, 2004

Serial No.: 10/785,367

Group Art Unit: ---

Filing Date: February 23, 2004

Examiner: ---

For: TRANSGENIC PLANTS AND PLANT CELLS WITH REDUCED EXPRESSION OF  
INVERTASE INHIBITOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF DECLARATION**

Sir:

In the absence of a Notice to File Missing Parts of Application-Filing Date Granted enclosed herewith is an inventor's Declaration together with our check No. 16672 for \$65.00 in payment of the surcharge.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account #15-0700.

If this communication is filed after the time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 29, 2004:

\_\_\_\_\_  
Robert C. Faber  
Name of applicant, assignee or  
Registered Representative  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
April 29, 2004  
Date of Signature

Respectfully submitted,

  
\_\_\_\_\_  
Robert C. Faber

Registration No.: 24,322  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700

RCF:cbf

05/04/2004 SDENB0B1 00000076 10785367

01 FC:2051

65.00 OP

00655067.1

25 293 US (C)P

MAY 03 2004

UNITED STATES OF AMERICA  
COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATIONOFGS FILE NO.  
P/2107-248

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## TRANSGENIC PLANTS AND PLANT CELLS WITH REDUCED

## EXPRESSION OF INVERTASE INHIBITORS

the specification of which is attached hereto, unless the following box is checked:

was filed on \_\_\_\_\_ as United States patent Application Number or PCT International patent application number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate or United States provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## Prior Foreign or Provisional Application(s)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
Germany	198 36 405.9	12 August 1998	YES <input checked="" type="checkbox"/> NO _____
PCT	PCT/EP99/05890	11 August 1999	YES <input checked="" type="checkbox"/> NO _____
			YES <input type="checkbox"/> NO _____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

UNITED STATES APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
09/762,782	30 March 2001	Pending

I hereby appoint customer no. 2352 OSTROLENK, FABER, GERB & SOFFEN, LLP, and the members of the firm, Samuel H. Weiner - Reg. No. 18,510; Robert C. Faber - Reg. No. 24,322; Max Moskowitz - Reg. No. 30,576; James A. Finder - Reg. No. 30,173; William O. Gray, III - Reg. No. 30,944; Louis C. Dujmich - Reg. No. 30,625, and Douglas A. Miro - Reg. No. 31,643, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

SEND CORRESPONDENCE TO: OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NEW YORK 10036-8403  
CUSTOMER NO. 2352  
DIRECT TELEPHONE CALLS TO:  
(212) 382-0700

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR Thomas RAUSCH	INVENTOR'S SIGNATURE	DATE 29 March 2004
RESIDENCE (City and either State or Foreign Country) Heidelberg, Germany	COUNTRY OF CITIZENSHIP Germany	
POST OFFICE ADDRESS Im Neuenheimer Feld 360, D-69120 Heidelberg, Germany		
FULL NAME OF SECOND JOINT INVENTOR (IF ANY)	INVENTOR'S SIGNATURE	DATE
RESIDENCE (City and either State or Foreign Country)	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS		

CONTINUED ON PAGE 2